

other relevant Federal agency to provide assistance in administering and servicing Federal credit instruments that such agency is authorized to make available.

(2) Duties

The Administrator may act as an agent for the head of another Federal agency under paragraph (1), subject to the terms of any agreement entered into by the Administrator and the head of such other agency under such clause.

(3) Transfer of funds

The authority of the Administrator to provide assistance under paragraph (1) is subject to—

- (A) the availability of funds appropriated to the other Federal agency that may be transferred to the Administrator to carry out an agreement entered into under paragraph (1); and
- (B) the transfer of such funds to the Administrator to carry out such an agreement.

(4) Limitation

Nothing in this subsection affects the authority of the Administrator with respect to the selection of projects described in paragraphs (1), (8), or (10) of section 3905 of this title to receive financial assistance under this chapter.

(h) Applicability of other laws

Section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) applies to the construction of a project carried out, in whole or in part, with assistance made available through a Federal credit instrument under this chapter in the same manner that section applies to a treatment works for which a grant is made available under that Act [33 U.S.C. 1251 et seq.].

(Pub. L. 113–121, title V, § 5030, June 10, 2014, 128 Stat. 1341; Pub. L. 115–270, title IV, § 4201(b)(2), (c), Oct. 23, 2018, 132 Stat. 3878, 3880.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsecs. (e)(1)(A) and (h), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of this title. Title VI of the Act is classified generally to subchapter VI (§1381 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

Under this title and nothing in this title, referred to in subsec. (e), mean title V of Pub. L. 113–121, June 10, 2014, 128 Stat. 1322. Subtitle C (§§ 5021–5035) of title V of Pub. L. 113–121 enacted this chapter. For complete classification of title V to the Code, see Tables.

AMENDMENTS

2018—Subsec. (b)(2). Pub. L. 115–270, § 4201(b)(2)(A), added par. (2).

Subsecs. (e), (f). Pub. L. 115–270, § 4201(b)(2)(B), added subsecs. (e) and (f). Former subsec. (e) designated (h).

Subsec. (g). Pub. L. 115–270, § 4201(c), added subsec. (g).

Subsec. (h). Pub. L. 115–270, § 4201(b)(2)(B), redesignated subsec. (e) as (h).

Statutory Notes and Related Subsidiaries

AGREEMENT WITH COMMISSIONER OF RECLAMATION

Pub. L. 115–270, title IV, § 4301, Oct. 23, 2018, 132 Stat. 3880, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 23, 2018], the Administrator of the Environmental Protection Agency and the Commissioner of Reclamation shall enter into an agreement under section 5030(g) of the Water Infrastructure Finance and Innovation Act [33 U.S.C. 3909(g)] (as added by this Act).”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

§ 3910. State, tribal, and local permits

The provision of financial assistance for a project under this chapter shall not—

- (1) relieve any recipient of the assistance of any obligation to obtain any required State, local, or tribal permit or approval with respect to the project;
- (2) limit the right of any unit of State, local, or tribal government to approve or regulate any rate of return on private equity invested in the project; or
- (3) otherwise supersede any State, local, or tribal law (including any regulation) applicable to the construction or operation of the project.

(Pub. L. 113–121, title V, § 5031, June 10, 2014, 128 Stat. 1342.)

§ 3911. Regulations

The Secretary or the Administrator, as applicable, may promulgate such regulations as the Secretary or Administrator determines to be appropriate to carry out this chapter.

(Pub. L. 113–121, title V, § 5032, June 10, 2014, 128 Stat. 1342.)

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

§ 3912. Funding

(a) In general

(1) Fiscal years 2015 through 2019

There are authorized to be appropriated to each of the Secretary and the Administrator to carry out this chapter, to remain available until expended—

- (A) \$20,000,000 for fiscal year 2015;
- (B) \$25,000,000 for fiscal year 2016;
- (C) \$35,000,000 for fiscal year 2017;
- (D) \$45,000,000 for fiscal year 2018; and
- (E) \$50,000,000 for fiscal year 2019.

(2) Fiscal years 2020 and 2021

There is authorized to be appropriated to the Administrator to carry out this chapter \$50,000,000 for each of fiscal years 2020 and 2021, to remain available until expended.

(3) Fiscal years 2022 through 2026

There is authorized to be appropriated to the Administrator to carry out this chapter

\$50,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(b) Administrative costs

(1) Fiscal years 2015 through 2019

Of the funds made available to carry out this chapter, the Secretary or the Administrator, as applicable, may use for the administration of this chapter, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$2,200,000 for each of fiscal years 2015 through 2019.

(2) Fiscal years after 2019

Of the funds made available to carry out this chapter, the Administrator may use for the administration of this chapter, including for the provision of technical assistance to aid project sponsors in obtaining the necessary approvals for the project, not more than \$5,000,000 for each of fiscal years 2022 through 2026.

(c) Small community water infrastructure projects

(1) In general

For each fiscal year, the Secretary or the Administrator, as applicable, shall set aside not less than 15 percent of the amounts made available for that fiscal year under this section for small community water infrastructure projects described in section 3907(a)(2)(B) of this title.

(2) Administration

Any amounts set aside under paragraph (1) that remain unobligated on June 1 of the fiscal year for which the amounts are set aside shall be available for obligation by the Secretary or the Administrator, as applicable, for projects other than small community water infrastructure projects.

(d) Additional funding

Notwithstanding section 3908(b)(2) of this title, the Secretary or the Administrator, as applicable, may make available up to 25 percent of the amounts made available for each fiscal year under this section for loans in excess of 49 percent of the total project costs.

(e) Assistance for State infrastructure financing authorities

(1) In general

With respect to fiscal years 2022 through 2026, if the Administrator has available for obligation in a fiscal year at least \$50,000,000, there is authorized to be appropriated to the Administrator \$5,000,000 for that fiscal year to provide financial assistance for projects described in section 3905(9) of this title to State infrastructure financing authorities.

(2) No impact on other Federal funding

No funds shall be made available in a fiscal year to the Administrator for purposes of this subsection if—

(A) the total amount appropriated for the fiscal year for State loan funds under section 300j-12 of title 42 is less than either the amount made available for such purpose in

fiscal year 2018, or 105 percent of the previous fiscal year's appropriation for such purpose, whichever is greater; and

(B) the total amount appropriated for the fiscal year for water pollution control revolving funds under title VI of the Federal Water Pollution Control Act [33 U.S.C. 1381 et seq.] is less than either the amount made available for such purpose for fiscal year 2018, or 105 percent of the previous fiscal year's appropriation for such purpose, whichever is greater.

(3) Inclusion in agreement

If the Administrator provides financial assistance to a State infrastructure financing authority under section 3908 of this title using funds made available pursuant to this subsection, the Administrator shall specify in the agreement under such section the amount of such assistance that is attributable to such funds.

(Pub. L. 113-121, title V, § 5033, June 10, 2014, 128 Stat. 1342; Pub. L. 115-270, title IV, § 4201(a)(4), (b)(3), Oct. 23, 2018, 132 Stat. 3878, 3879; Pub. L. 117-58, div. E, title II, § 50215(a), Nov. 15, 2021, 135 Stat. 1174.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec (e)(2)(B), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of this title. Title VI of the Act is classified generally to subchapter VI (§1381 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

AMENDMENTS

2021—Subsec. (a)(3). Pub. L. 117-58, § 50215(a)(1), added par. (3).

Subsec. (b)(2). Pub. L. 117-58, § 50215(a)(2), substituted “after 2019” for “2020 and 2021” in heading and “2022 through 2026” for “2020 and 2021” in text.

Subsec. (e)(1). Pub. L. 117-58, § 50215(a)(3), substituted “2022 through 2026” for “2020 and 2021”.

2018—Subsec. (a). Pub. L. 115-270, § 4201(a)(4)(A), designated existing provisions as par. (1) and inserted heading, substituted “There are” for “There is”, redesignated former pars. (1) to (5) as subpars. (A) to (E), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (b). Pub. L. 115-270, § 4201(a)(4)(B), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (e). Pub. L. 115-270, § 4201(b)(3), added subsec. (e).

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113-121, set out as a note under section 2201 of this title.

§ 3913. Reports on program implementation

(a) Agency reporting

As soon as practicable after each fiscal year for which amounts are made available to carry out this chapter, the Secretary and the Administrator shall publish on a dedicated, publicly accessible Internet site—